

Ramos, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 10/17/2014

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MBODY MINIMALLY INVASIVE SURGERY, P.C.,
NICK GABRIEL, D.O., JODIE BREWER and ERIN
NASTRO,

Plaintiff,

Civil Act. No.: 14-cv-2495(ER)

-against-

UNITED HEALTHCARE INSURANCE
COMPANY, UNITED HEALTHCARE OF NEW
YORK, UNITED HEALTHCARE SERVICE, LLC,
and UNITED HEALTHCARE SERVICES, INC.,

**ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
~~RESTRAINING ORDER~~**

Defendants.

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Upon the Declaration of Jeff Pogany dated October 16, 2014 with Exhibits annexed thereto, Declaration of Terri-Lee Brinkler dated October 16, 2014 with Exhibits annexed thereto, Declaration of Mabel Sue Fairley dated October 15, 2014 with Exhibits annexed thereto; and Declaration of Michael H. Bernstein dated October 17, 2014 with Exhibits annexed thereto and the accompanying Memorandum of Law, it is

ORDERED, that the above named Plaintiffs show cause before a motion term of this Court, at
✓ Room 619, United States Courthouse, 40 Centre ~~500 Pearl~~ Street, in the City, County and State of New York, on
✓ Oct. 23, 2014 at 2:00 o'clock in the after noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining Plaintiffs and their counsel, including The Patriot Group, during the pendency of this action from:
(1) representing to Defendants' Members that they are/were not in-network providers in Defendants' participating provider networks in connection with the claims forming the basis for this action; (2) issuing balance bills and invoices for services rendered to Defendants' Members on any claim forming the basis of this lawsuit based on representations that the services were rendered on an out-of-network basis; (3) taking

any steps to prosecute or otherwise move forward with lawsuits or other collections efforts against Defendants' Members with respect to any claim forming the basis of this action based on allegations that the services in question were rendered on an out-of-network basis; (4) from contacting Defendants' Members regarding the subject matter of this litigation; and (5) from contacting Defendants, including its employees, concerning the subject matter of this litigation, other than via discovery in the normal course of litigation; and it is further

ORDERED that, sufficient reason having been shown therefore, pending the hearing of Defendants' application for a preliminary injunction, pursuant to Rule 65, FED. R. CIV. P., Plaintiffs and their counsel, including The Patriot Group, are temporarily restrained and enjoined from: (1) representing to Defendants' Members that they are/were not in-network providers in Defendants' participating provider networks in connection with the claims forming the basis for this action; (2) issuing balance bills and invoices for services rendered to Defendants' Members on any claim forming the basis of this lawsuit based on representations that the services were rendered on an out-of-network basis; (3) taking any steps to prosecute or otherwise move forward with lawsuits or other collections efforts against Defendants' Members with respect to any claim forming the basis of this action based on allegations that the services in question were rendered on an out-of-network basis; (4) from contacting Defendants' Members regarding the subject matter of this litigation; and (5) from contacting Defendants, including its employees, concerning the subject matter of this litigation, other than via discovery in the normal course of litigation; and it is further

ORDERED that security in the amount of \$_____ be posted by the plaintiff prior to

_____ at _____ o'clock in the _____ noon of that day; and it is further

*And Anthony Frank Mail, The Mail Firm, P.C.,
68 Jay Street, Brooklyn, NY 11201*

ORDERED that personal service of a copy of this order and annexed affidavit upon Plaintiffs'

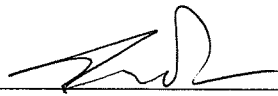
counsel, Whatley Kalas, LLP, on or before 10:00 o'clock in the fore noon, Monday

Oct. 20, 2014 shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: Oct. 17, 2014

4:40 pm


United States District Judge

*Plaintiff shall file responsive
papers by 5:00pm Wednesday
October 22, 2014.*